

LABOUR DEPARTMENT

The 23rd January, 1980

No. 11(112)-3Lab-79/955.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Kith Dee Fair Plot No.3, Industrial Estate, Gurgaon.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 193 of 1979

between

THE WORKMEN AND THE MANAGEMENT OF M/S KITH DEE FAIR PLOT NO. 3,
INDUSTRIAL AREA, GURGAON.

Present :—

None for the workman.

Shri Pardeep Sharma, for the management.

AWARD

1. By order No. GGN/19-79/30391 dated 5th July, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Kith Dee Fair Plot No. 3, Industrial Estate Gurgaon, and its workmen, to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub section (i) of section 10 of the Industrial Disputes Act, 1947:—

Whether the workers are entitled to the grant of bonus for the years 1976-77 and 1977-78 under the Payment of Bonus Act, 1965? If so, with what details?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The management objected that they have been described wrongly in the order of reference. Then following issue was framed on 14th November, 1979 :—

1. Whether the name of the management has been correctly given in the order of reference?

And the case was fixed for the evidence of the workman on the date fixed, neither any of the workman appeared, nor any evidence was adduced. I, therefore, give my award that there is no dispute between the parties.

Dated the 9th January, 1980

NATHU RAM SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 30, dated the 15th January, 1980

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/956.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Fire Bricks, Farukh Nagar, village Basai Gurgaon.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 263 of 1979

between

SHRI BHARTU SHARMA, WORKMAN AND THE MANAGEMENT OF M/S. HARYANA
FIRE BRICKS, FARUKH NAGAR ROAD, VILLAGE BASSI GURGAON

Present.—

Shri Chotte Lal, for the workman .

None, for the management.

AWARD

1. By order No. CCn/27-79/36076, dated 21st August, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Haryana Fire Bricks, Farukh Nagar Road, village Basai Gurgaon and its workman Bhartu Sharma, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

Whether the termination of services of Shri Bhartu Sharma was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order or reference, notices were issued to the parties. The workman appeared through his representative but the management did not appear despite service of notice. *Ex-parte* proceedings were ordered against the management and the case was fixed for the *Ex-parte* evidence of the workman. On the date fixed, neither the workman appeared, nor his representative, nor the workman adduced any evidence. The workman does not seem to be interested in pursuing his dispute. I, therefore, give my award that there is no dispute between the parties.

Dated the 9th January, 1980

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 31, dated the 15th January, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/957.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Haryana Malleable Casting Private Limited, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL
HARYANA FARIDABAD.

Reference No. 182 of 1979

between

SHRI NAGINDER SINGH, WORKMAN AND THE MANAGEMENT OF M/S HARYANA
MALLEABLE AND CASTING PRIVATE LIMITED, FARIDABAD.

Present—

Workman in person.

Shri H. R. Dua, for the management,

AWARD

1. By order No. 77/79/25259, dated 13th June, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Havana Malleable and Casting Private Limited, Faridabad and its workman Shri Naginder Singh, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Naginder Singh was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared. The management produced a receipt Ex. M-1 and pleaded full and final settlement. The representative for both the parties admitted the settlement. Thereafter the workman appeared on the same day and stated that he did not settle the dispute. Notices again were sent to the management. The parties appeared. The workman admitted his signatures on the payment but stated that payment was not made to him. The workman was then directed to prove non payment and the case was adjourned for his evidence. On the next date fixed, the workman did not lead any evidence and stated that he had no evidence. I have seen the settlement which is signed by the workman in English on the proper revenue stamp in which the workman has written in his own hand in Hindi that he has received all his accounts and has again signed thereunder in English. The representative for the workman has also signed the receipt endorsing in his own hand written that the workman has received his full and final account in his presence. In these circumstances, I am left with no alternative than to accept the receipt Ex. M-1 witnessing payment of Rs. 483.50 to the workman in full and final. I, therefore give my award that the dispute has been settled and now there is no dispute between the parties.

Dated the 9th January, 1980.

NATHU RAM SHARMA,

Presiding Officer, Industrial,
Tribunal, Haryana, Faridabad.

No. 34, dated 15th January, 1980.

Forwarded (four copies) to the Secretary to Government Haryana Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/958.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Plasser and Theurer, Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 45 of 1978

between

THE WORKMEN AND THE MANAGEMENT OF M/S PLASSER AND THEURER,
FARIDABAD

Present :

Shri Sushil Bhattacharya, for the workman.

Shri K. P. Aggarwal, for the management.

AWARD

1. By order No. ID/FD/379-77/8013, dated 20th February, 1978, the Governor of Haryana referred the following disputes between the management of M/s Plasser and Theurer Faridabad and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of Industrial Disputes Act, 1947 :—

1. Whether the workmen are entitled to the grant of bonus for the year 1975-76? If so, with what details?

2. Whether the workmen are entitled to house rent allowance? If so, with what details?
3. Whether the workmen are entitled to any conveyance allowance? If so, with what details?
4. Whether the workmen are entitled to children education allowance? If so, with what details and from which date?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following was treated as dispute number 1,—*vide* my order dated 18th January, 1979 :—

Whether the workmen are entitled to the grant of bonus for the year 1975? If so, with what details?

And the case was fixed for the evidence of the workmen. The workmen obtained four adjournments but thereafter there were negotiations for settlement but no settlement was arrived at. The workmen, even thereafter obtained five adjournments and adduced no evidence. And lastly on 4th December, 1979, neither the representative for the workmen appeared, nor any workman nor any evidence by the workmen was produced. In the circumstances, I give my award that there is no dispute between the parties.

Dated the 9th January, 1980.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 47, dated 15th January, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal,
Haryana, Faridabad.

No. 11(112)-3Lab-79/961.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Faridabad Manufacturing (Engineering Products), Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 142 of 1978

between

SHRI JOGINDER TIWARI, WORKMAN AND THE MANAGEMENT OF M/S FARIDABAD MANUFACTURING (ENGINEERING PRODUCTS) PVT. LTD., SECTOR-6, FARIDABAD

Present.—Shri S. R. Gupta, for the workmen.

Shri S. L. Gupta, for the management.

AWARD

1. By order No. ID/FD/35-78/24978, dated 5th June, 1978, the Governor of Haryana referred the following dispute between the management of M/s Faridabad Manufacturing (Engineering Products) Pvt., Ltd., Sector 6, Faridabad and its workman, Shri Joginder Tiwari, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Joginder Tiwari, was justified and in order? If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The workman appeared but the management did not appear. There was a report of the process server that the factory was closed. Again notices were sent to the management several times but service was not effected. Then the management appeared through his representative Shri S. L. Gupta, and Shri H. L. Kapoor. But on 28th September, 1979, the date fixed, the representative for the management stated that they had appeared through some error. Notice had been served on the defendant on 28th September, 1979 hence the management was proceeded against *ex parte*. And the case was fixed for *ex parte* evidence of the workman. The date fixed the workman did not appear and the representative for the workman stated that he did not like to proceed with the reference as he had no instructions from the workman. But at 1.00 p. m. on the same day the workman appeared and prayed that his evidence may be recorded and case may be restored. On the payer of the workman, his *ex parte* evidence was recorded. The workman stated that the management terminated his service without any justification being annoyed on his trade union activities and the workman was unemployed since then. I, believe in the *ex parte* evidence of the workman and give my award that the termination of services of the workman was neither justified, nor in order. I set aside the same. The workman is entitled to reinstatement with continuity of service and with full back wages and I order accordingly.

NATHU RAM SHARMA,

Dated 9th January, 1980.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 44, dated 15th January, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/962.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Saifi Group Steel Structure Works, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 175 of 1979

between

SHRI SABAR ALI, WORKMAN AND THE MANAGEMENT OF M/S. SAIFI GROUP STEEL
STRUCTURE WORKS, NIT FARIDABAD

Present.—

Shri Pasham Singh, for the workman.

None for the management.

AWARD

1. By order No. ID/22345, dated 23rd May, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Saifi Group Steel Structure Works, NIT Faridabad and its workman Shri Sabar Ali, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub section (1) of section 13 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Sabar Ali was justified and in order? If not, to what relief is he entitled.

2. On receipt of the order of reference, notices were issued to the parties. But service could not be effected on the management. Then it was ordered that the workman shall secure service of the notice on the management, as the management had refused to receive the notice on 11th September, 1979 and the management was not found by the process server on 19th November, 1979 on the

address given in the order of reference. There was further report of the process server that the management had left that premises. After calling the case thrice, it was dismissed in default at 1.00 p.m. I, therefore, give my award that there is no dispute between the parties.

Dated the 10th January, 1980.

NATHU RAM, SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 43, dated the 15th January, 1980.

Forwarded (Four Copies) to the Secretary to Government Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act.

NATHU RAM, SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/963.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of Felex International Faridabad :—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 236 of 1978

between

SHRI SAFDER HUSSAIN WORKMAN AND THE MANAGEMENT OF M/S FEBEX
INTERNATIONAL PLOT No. 28, SECTOR-17, FARIDABAD.

Present :—

Shri P. K. D.: for the workman.

Shri Manjeet Singh, for the management.

AWARD

1. By order No. ID/FD/74-78/33152, dated 17th July, 1978, the Governor of Haryana referred the following dispute between the management of M/s Febex International, Plot No. 28, Sector 17, Faridabad and its workman Shri Safder Hussain, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Safder Hussain, was justified and in order?
If not, to what relief is he entitled?

2. On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issues were framed on the 17th March, 1979 :—

- (1) Whether there is relation of Master and Servant between the parties ?
- (2) Whether the termination of services of the workman was justified and in order?
- (3) Relief.

And the case was fixed for the evidence of the workman, the workman obtained eight-nine adjournment but his evidence was not present except on one date of hearing. Then there was a prayer that the parties were negotiating a settlement. After obtaining two adjournments, it was stated that settlement was not arrived, so the case was again fixed for the evidence of the workman. The workman did not appear on the fixed date of hearing, neither his representative appeared. The case was therefore, dismissed in default. I, therefore, give my award that there is no dispute between the parties,

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 10th January, 1980.

No. 42, dated the 15th January, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/965.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s. Expo. Enterprises, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 277 of 1979

between

THE WORKMAN AND THE MANAGEMENT OF M/S. EXPO. ENTERPRISES,
SECTOR 24, FARIDABAD.

Present :—

Shri B. M. Gupta, for the workman.

Nemo for the management.

AWARD

1. By order No. FD/74-79/38756, dated 5th September, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Expo Enterprises, Sector 24, Faridabad and its workman to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

1. Whether the workmen should be supplied with attendance cards ? If so, with what details ?
2. Whether the workmen should be supplied with uniforms ? If so, with what details ?

2. On receipt of the order of reference, notices were issued to the parties. The representative for the workmen appeared but the management did not appear. Hence *ex parte* proceedings were ordered against the management and the case was fixed for the *ex parte* evidence of the workman. Shri B. M. Gupta, representative for the workman who proved Ex. W-1 to W-5 and stated that the workman suffer very much in absence of attendance card. He also stated that the clothes of the workmen are spoiled by caustic soda which used in the process of dyeing. Wages of the workmen were also very low and eight workmen were working in this factory and it was just to provide uniforms to them. I, believe in the *ex parte* statement of the representative of the workman and give my award that the workmen should be supplied with attendance cards providing there in the dates, month and year and marking their presence. If the workman do over time, the hours of over-time may also be shown and the attendance and over-time marking be initialed by the authorised persons of the management and the attendance cards should bear the seal or stamp of the management and or should be on printed form providing for all details as said above. The workmen should also be supplied with uniforms for summer and winter season. Two sets of uniform of cotton cloth consisting of pajamas and shirts and one set of winter uniform consisting of woollen sweater. All the above said uniforms be supplied annually.

Dated the 10th January, 1980

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 40, dated the 15th January, 1980

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.